

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael A. Fischer, et al.

Serial No.: 09/849,101

Filed: May 4, 2001

Confirmation No.: 7967

Title: SYSTEM AND METHOD FOR

PROVIDING A SELECTABLE RETRY STRATEGY FOR FRAME-BASED

COMMUNICATIONS

Commissioner for Patents Washington, D.C. 20231

Attorney Docket: INSL:0036

Group Art Unit: 2681

Examiner: Unassigned

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Pursuant to 37 C.F.R. Sec. 1.8, I hereby certify that this paper is being deposited with the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on February 7, 2003.

Deema Beasley

# TRANSMITTAL LETTER

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Enclosed for filing in the above-referenced patent application are:

- 1. Statement Under 37 CFR 1.97(e);
- 1. Substitute Form 1449A;
- 2. Copies of references cited on Substitute Form 1449A; and
- 2. Return Receipt Postcard.

No fees are believed to be due in connection with the filing of these materials. If fees are due, the Commissioner is hereby authorized to charge the Deposit Account of Gary R. Stanford, Account No. 50-1469.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

Date: February 7, 2003

By:

Gary R. Stanford

Reg. No. 35,689

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Phone: (512) 474-7678 Fax: (512) 477-4080



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# STATEMENT UNDER 37 CFR 1.97(e)

Dear Sir:

The undersigned hereby certifies that either:

Each item of information contained in the Information Disclosure Statement was  $(\mathbf{x})$ cited in a communication from a foreign patent office in a counterpart foreign application, not more than three months prior to the filing of the statement, or

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- No item of information contained in the Information Disclosure Statement
  - -- was cited in a communication from a foreign patent office in a counterpart foreign application, and
  - -- to the knowledge of the undersigned, after making reasonable inquiry, was known to an individual designated in 37 CFR 1.56 (c) more than three months prior to the filing of the Information Disclosure Statement.

Respectfully submitted,

Date: February 7, 2003

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Gary R. **Sl**anfor Reg. No. 35,689

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Phone: (512) 474-7678 Fax: (512) 477-4080

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Substitute for form 1449A/PTO				Complete if Known		
•				Application Number	09/849,101	
	INFORMATIO	N DISCL	OSURE	Filing Date	May 4, 2001	
	STATEMENT	BY APPI	LICANT	First Named Inventor	Michael A. Fischer	
	(use as many s	heets as nec	essary)	Art Unit	2681	
				Examiner Name	Unassigned	
Sheet	1	of	2	Attorney Docket Number	INSL:0036	

	U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.1	Document Number  Number - Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		US- 5,768,527 A	06-16-1998	Zhu Qin-Fan et al.	Listed on Search Report	
		US- 5,926,476 A	07-20-1999	Ghaibeh Gihad	Listed on Search Report	
		US- 5,600,651 A	02-04-1997	Molle Mart L.	Listed on Search Report	
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	FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.1	Foreign Patent Document  Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> ( <i>if known</i> )	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T⁵
		EP 0 940 941 A	09-08-1999	ICO Services Ltd.	Listed on Search Report	
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Examiner		Date	
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Substitu	ute for form 1449B/	PTO	Complet	Complete if Known	
,			Application Number	09/849,101	
	INFORMATION	ON DISCLO	SURE	Filing Date	May 4, 2001
STATEMENT BY APPLICANT (use as many sheets as necessary)				First Named Inventor	Michael A. Fischer
				Group Art Unit	2681
•				Examiner Name	Unassigned
Sheet	2	of	2	Attorney Docket Number	INSL:0036

OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS						
Cite <sub>1</sub> No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>				
	PCT Notification of Transmittal of the International Search Report or the Declaration, dated 08 November 2002, 5 pages					
	PCT Notification of Transmittal of the International Search Report or the Declaration, dated 04 December 2002, 4 pages					
	HASHIMOTO T., ET AL, "Performance Evaluation of Reliable Multicast Communication Protocols Under Heterogeneous Transmission Delay Circumstances" <i>IEICE Transaction on Communications, Institution of Electronics Information and Comm.</i> Tokyo, JP, October 1999, vol. E82-B, No. 10, pages 1609-1617 (XP000928675)					
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	Cite, No.	Cite No. Include name of the author (in CAPITAL LETTERS), titlle of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.  PCT Notification of Transmittal of the International Search Report or the Declaration, dated 08 November 2002, 5 pages  PCT Notification of Transmittal of the International Search Report or the Declaration, dated 04 December 2002, 4 pages  HASHIMOTO T., ET AL, "Performance Evaluation of Reliable Multicast Communication Protocols Under Heterogeneous Transmission Delay Circumstances" IEICE Transaction on Communications, Institution of Electronics Information and Comm. Tokyo, JP, October 1999, vol. E82-B, No. 10, pages 1609-1617 (XP000928675)				

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Examiner	Date
Signature	Considered

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<sup>&</sup>lt;sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.